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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

THE O.N. EQUITY SALES COMPANY,	)	Case No. C 07-02844 JSW
	)	
Plaintiff,	)	
	)	
v.	)	<b>DECLARATION OF JOEL A.</b>
	)	<b>GOODMAN</b>
DANIEL MARIA CUI,	)	
	)	
Defendant.	)	

I, Joel A. Goodman, declare and state as follows:

1. I am an attorney licensed to practice law before all courts of the State of Florida. I am a member of Goodman & Nekvasil, P.A., counsel for the Defendant in this cause and in the underlying arbitration. I am fully familiar with the facts set forth below. If called to testify at trial I would and could competently testify to the following.

2. Unlike most other cases, the ultimate issue for resolution in this case is narrow—the “arbitrability” of Defendant’s claims against Plaintiff as submitted to the arbitration panel of the National Association of Securities Dealers, Inc. (“NASD”). As such, the parties anticipate filing three primary sets of motions for this case: (1) one set by both parties relating to the preliminary

1 issue of discovery, (2) a motion by ONESCO requesting that its motion for preliminary injunction  
2 be consolidated with the final hearing on the merits, and (3) a third set by both parties relating  
3 directly to the issue of arbitrability.

4 3. On the issue of discovery, Plaintiff expects to file a motion for an order authorizing  
5 the parties to engage in immediate discovery on the issue of arbitrability, and Defendant expects to  
6 file a motion for protective order concerning discovery. Because these motions filed by Plaintiff and  
7 Defendant go to critical procedural aspects of this case, the parties agree that they have substantial  
8 case law and argument to present to this Court.

9 4. On the issue of arbitrability, Plaintiff expects to file a motion for preliminary  
10 injunction, and Defendant expects to file a motion to compel arbitration. The parties have substantial  
11 case law to present to this Court on these motions. These motions are potentially dispositive of this  
12 case and are akin to a motion for summary judgment.

13 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
14 knowledge.

15 Dated this 27th day of August, 2007.

17 /s/ Joel A. Goodman  
18 Joel A. Goodman  
19 Counsel for Defendant  
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